

Document #4560

MEMORANDUM

March 7, 1985

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: STEPHEN COYLE, DIRECTOR

SUBJECT: FIRST AMENDMENT TO REPORT AND DECISION ON DEVONSHIRE TOWERS 121A PROJECT

On November 1, 1979, the Authority voted to adopt a Report and Decision on the Application of Devonshire Towers Trust for approval of an Urban Redevelopment Project pursuant to Massachusetts General Laws Chapter 121A and Chapter 652 of the Acts of 1960, both as amended. The Project consists of a 41 story apartment and office complex with 478 residential apartments on 31 floors, approximately 92,000 square feet of office space on 5 floors, approximately 10,000 square feet of rental area along with a public pedestrian passageway connecting Washington and Devonshire Streets on the ground level, and three levels of below grade parking for approximately 242 vehicles.

On February 13, 1985, an application for a First Amendment to the Report and Decision was submitted on behalf of Devonshire Tower Trust. The application requests approval of a physical change to the Project by enclosing in part the existing open arcade at the Devonshire Street ground level and the construction of a three-level addition primarily to eliminate problems created by off-loading in the arcade. The plans for this addition have been submitted to and approved by the Design Review staff.

A requirement has been incorporated into the First Amendment obligating Devonshire Towers Trust to take appropriate measures to minimize the impact of the new addition on traffic and pedestrian flow.

In the opinion of the Chief General Counsel, this First Amendment does not represent a fundamental change and does not require a public hearing. It is therefore recommended that the Authority adopt the attached First Amendment to the Report and Decision.

Appropriate vote follows:

VOTED: That the document presented at this meeting entitled, "First Amendment to the Report and Decision on the Application of Devonshire Towers Trust for the Authorization and Approval of a Project under Massachusetts General Laws Chapter 121A and Chapter 652 of the Acts of 1960, Both as Amended, to be Undertaken and Carried Out by a Trust Organized Pursuant to Massachusetts General Laws, and Approval to Act as an Urban Redevelopment Trust under said Chapter 121A", be and hereby is approved and adopted.

BOSTON REDEVELOPMENT AUTHORITY

FIRST AMENDMENT TO THE REPORT AND DECISION ON THE APPLICATION OF DEVONSHIRE TOWERS TRUST FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 121A AND CHAPTER 652 OF THE ACTS OF 1960, BOTH AS AMENDED, TO BE UNDERTAKEN AND CARRIED OUT BY A TRUST ORGANIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT TRUST UNDER SAID CHAPTER 121A.

On July 10, 1979, an application of Harvey E. Rothenberg, Lawrence Rubin and Alvin Schragis, Trustees on behalf of Devonshire Towers Trust, (the "Application") was filed with the Authority for approval under Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, both as amended, of a project, known as Devonshire Towers and consisting of a 41 story apartment and office complex (the "Project"), as more particularly described in the Application, and for approval of Devonshire Towers Trust as an Urban Redevelopment Trust to undertake and carry out the Project, which Application was approved by vote of the Authority, adopting a Report and Decision on such Application (the "Report and Decision") on November 1, 1979, such vote was affirmed by the Mayor of the City of Boston on May 1, 1980, and the vote as affirmed was filed with the Clerk of the City of Boston on May 2, 1980.

On February 13, 1984, by letter from Richard W. Bland II, Esq., on behalf of the Devonshire Towers Trust, an application for a First Amendment to the Report and Decision was filed with the Authority for approval of a physical change to the Project by enclosing part of the existing arcade on the ground level and the construction of a three-level addition. The application is attached hereto and incorporated herein by reference.

THE DEVONSHIRE

In passing upon this First Amendment to the Report and Decision, the Authority has considered the application and acknowledges that the plans for the change have been approved by the Authority's Design Review staff in accordance with Paragraph 17 of the Regulatory Agreement, by and between the Authority and Devonshire Towers Trust, dated November 14, 1980.

The description of the Project, as set forth on Page two, Section B, of the Report and Decision, is hereby amended by adding the following:

"Within the open arcade on the ground level, the area adjacent to the southerly of the two Devonshire Street driveways will be enclosed to provide a three-level building addition in the off-street loading area. The two lower levels would provide storage facilities for dumpsters, off-street loading and a maintenance shop, while the third level would be a management area behind the Washington Street lobby."

Further, the Authority recognizes that the new three-level addition may impact traffic and pedestrian flow on Devonshire Street, and consistent therewith, the approval of this First Amendment is subject to the Devonshire Towers Trust implementing appropriate measures within its authority, (1) to control the parking of vehicles in the Washington/Devonshire drive-through, (2) to minimize unloading operations across the Devonshire Street sidewalk, and (3) to utilize the underground garage to accomodate service vehicles, when size permits.

THE DEVONSHIRE

February 13, 1985

William McGrath, 121A Coordinator
Boston Redevelopment Authority
One City Hall Square, Room 954
Boston, Massachusetts 02201

Re: Application for First Amendment to Report and Decision
Devonshire Towers 121A Project

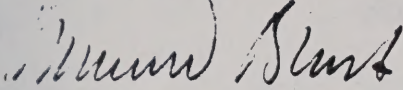
Dear Mr. McGrath:

On behalf of Devonshire Towers Trust (the "Applicant"), this letter is to serve as an application to the Boston Redevelopment Authority (the "Authority") for an amendment to the Report and Decision on the Devonshire Towers Project (the "Report and Decision") which was approved by the Authority on November 1, 1979. The Applicant hereby requests that the Report and Decision be amended to change the Project by enclosing part of the existing open arcade on the Devonshire Street elevation directly adjacent to the freight doors and loading areas for storage purposes. Specifically, the area adjacent to the southerly of the two Devonshire Street driveways will be enclosed to provide a three-level building addition in the existing off-street loading area. The two lower levels would provide storage facilities for dumpsters, off-street loading facilities and maintenance shop purposes while the third level would be a management area behind the Washington Street lobby. Approval of no other physical changes to the Project or the applicable 121A benefits and restrictions are requested.

This enclosed space is required in order to eliminate the very unsightly parking and trash build-up which presently characterize the area. Vehicles have not been able to negotiate this very tight area without damaging the curtain wall, destroying the planter, and knocking over granite bollards. In addition, there are oil stains on the brick pavement, periodically light fixtures are broken off the building and occasionally the lobby glass is broken by trucks backing into the area. The very successful pedestrian passageway will in no sense be reduced by this enclosure. It will however be enhanced and made more attractive by the enclosure of these very unsightly activities. Unloading vehicles are presently unable to discharge their loads without time-consuming delays while waiting for elevator time. This enclosure will have a staging area for goods to be completely off-loaded so that unloading vehicles will be able to discharge their loads and leave the area irrespective of elevator availability.

The plans for the enclosure have been submitted to and approved by the Design Review staff of the Authority.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Richard W. Bland II". The signature is fluid and cursive, with the first name "Richard" being more legible than the last name "Bland".

Richard W. Bland II
Attorney for Devonshire Towers Trust

RWB/dlm

